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23 AUG 1978

MEMORANDUM FOR: Deputy Director for Operations
STATINTL (Attention: [REDACTED])

Deputy Director for Science and Technology
(Attention: Ernest J. Zellmer)

STATINTL Director, National Foreign Assessment Center
(Attention: [REDACTED])

STATINTL General Counsel
(Attention: [REDACTED])

FROM : Michael J. Malanick
Associate Deputy Director for Administration

SUBJECT : Planning for Implementation of E.O. 12065

REFERENCE : Action Plan Approved 26 July 1978 for
Implementation of E.O. 12065

Attached for your planning and guidance is a paper prepared by the Task Force concerned with implementing the provisions of E.O. 12065 concerning classification, declassification, and mandatory review. Because of the amount of work to be accomplished by 1 December 1978, it is hoped that the paper will prove useful to you in accomplishing the tasks outlined.

7s/ Michael J. Malanick

Michael J. Malanick

Attachment: a/s

STATINTL cc: D/Sec (Attention: [REDACTED])
DTR (Attention: Harry Fitzwater)

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1. Introduction

a. The recently issued Executive Order 12065 requires that CIA as an agency with original classification authority promulgate Classification Guides (Sec. 5-403) and Declassification Guidelines (Sec. 3-402), and that they develop procedures for mandatory review of information for declassification (Sec. 3-501). The Order also requires that unclassified regulations establishing agency information security policy and unclassified guidelines for systematic declassification review shall be published in the Federal Register (Sec. 5-402). The Order further stipulates that Agency implementing regulations contain criteria explaining in narrative form the reason information needs to be protected beyond six years (Sec. 1-502).

b. The NSC draft implementing directive for the Executive Order requires that Classification Guides contain categories and subcategories of information to be protected, the level of classification to apply to each, the duration of such specified classification, and the reason for any extension of classification beyond six years.

c. The CIA Task Force concerned with implementing the classification, declassification, and mandatory review requirements noted above is currently drafting two basic papers and identifying tasks for the consideration of the three Directorates and NFAC.

2. Classification Guides

Conceptually the Task Force envisages three different levels of classification guides:

a. Agency Classification Guide

This Guide will set forth broad categories of intelligence information based upon the seven classification requirements a-g (Sec. 1-301). These categories will be generally common to all Directorates. The guide will be unclassified and require Deputy Director and DCI approval. It appears likely that it will have to be published in the Federal Register. Whether classification designations and duration of classification have to be assigned to each category of information in the basic Agency guide remains to be resolved. If such assignment is required, a variable classification designation from Confidential to Top Secret for each category would seem appropriate combined with a duration of up to 20 years.

b. Directorate Classification Guides

These guides will establish subcategories of intelligence information based upon the Agency Classification Guide and will contain information generally common to all components of a Directorate. They may be classified or unclassified and will be approved by the individual Deputy Directors. Each subcategory of information will require a determination as to the level of classification, the duration of the classification, and the reason for any extension of classification beyond six years.

c. Office (or equivalent) Classification Guides

These will further expand upon the subcategories of information contained in the Directorate Classification Guides and will reflect the needs and concerns of individual components of each Directorate. They may be classified or unclassified and will be approved by the Office Directors or Chiefs of the individual components and ultimately by the pertinent Deputy Director. Each such subcategory of information will require a determination as to the level of classification, the duration of the classification, and the reason for any extension of classification beyond six years.

3. Draft of Agency Classification Guide and Task Force Comments for Directorate Consideration

a. A draft Agency Classification Guide will be distributed to Directorates o/a 1 September 1978 and Directorate comments are requested by 18 September 1978. This tight deadline is necessary because the Agency Classification Guide will serve as a starting point for Directorate and Office guides.

b. It should be noted that E.O. 12065 recognizes that there may be national security categories of information other than those set forth in a-f of the E.O. which require protection against unauthorized disclosure. Directorates should carefully examine categories a-f to determine if additional (g) categories are needed to meet their requirements. Any such additional categories require DCI approval.

c. As noted in paragraph 4 below, the Task Force is attempting to dovetail its draft Agency Classification Guide with Directorate guidelines for systematic declassification prepared in late 1977. It is therefore recommended that Directorates review their guides for declassification in conjunction with their review of the Task Force draft Agency Classification Guide.

d. In the preparation of Directorate and Office Classification Guides, information requiring protection must be categorized to the extent possible. The Classification Guides should state which of the classification designations (i.e., Top Secret, Secret, or Confidential) apply to each category of information. A statement covering the duration of classification when such duration is to exceed six years and the reason for such extension is also required.

e. Although Directorate and Office Classification Guides may be classified to the level necessary, lower classifications are encouraged considering the intended wide use of the guides.

f. Directorates are reminded that the significance in developing comprehensive Classification Guides lies in the authority extended by the E.O. to permit derivative classification to individuals not provided original classification authority (Sec. 2 of the Order). Every original classification must include both a decision that the information concerns one or more of the criteria a-g described in Sec. 1-301 of the Order, and a decision that disclosure of the information reasonably could be expected to cause one of the three levels (grave, serious, identifiable) of damage described in Sec. 1-1 of the Order. The decision involved in each step must be considered separate and distinct from that of the other.

4. Guidelines for Systematic Declassification Review

Each Directorate in late 1977 approved a guideline for systematic review for declassification.

a. The Task Force is drawing from the four Directorate guidelines and preparing an unclassified Agency Declassification Guideline for publication in the Federal Register. The draft Agency guideline will be sent to Directorates for comment later in the year inasmuch as we have until 1 May 1979 to accomplish this objective.

b. The guides for classification and declassification should dovetail. The Task Force is therefore drawing from the Directorate guidelines for declassification in its preparation of the basic guide for classification. It follows that Directorates may desire to review their guidelines for declassification when they review the basic classification guide prepared by the Task Force.

c. Directorate guidelines for declassification previously prepared as unclassified contain in some cases information that should be classified. Also if categories of information needing protection are not covered in the guides for declassification, documents containing such information are automatically declassified after 20 years or 30 years for foreign government information. It is recommended therefore that Directorates review their guidelines for declassification for both comprehensiveness and classification of content. Directorates may prepare classified supplementary guidelines for declassification as required.

d. The Task Force will prepare a draft special systematic review guideline for foreign government information.

e. Special procedures for systematic review and declassification of classified cryptologic information will be developed by the Secretary of Defense. The DCI is responsible for developing special procedures for systematic review and declassification of classified information concerning the identities of clandestine human agents. The Task Force will be looking to the DDO for input in developing the latter guideline which will be binding on the Intelligence Community.

5. Mandatory Review Procedures

It is anticipated that the current modus operandi between the Information and Privacy Staff and Agency components for handling mandatory review requests along with FOIA and Privacy Act requests will be continued. The Task Force will be responsible for drafting a paper describing these procedures for mandatory review to conform with Sec. 3-5 of the Order.

6. Task Force Assistance

Questions on this paper should be referred to Directorate Focal Point Officers who are available to provide assistance as may be required.

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